



Reprinted  
January 29, 2008

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## HOUSE BILL No. 1174

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DIGEST OF HB 1174 (Updated January 28, 2008 5:22 pm - DI 103)

**Citations Affected:** IC 10-16; IC 10-17; IC 22-2; noncode.

**Synopsis:** Military leave. Increases from 15 days to 30 days in a calendar year the maximum leave of absence without loss of time or pay that a state officer or employee who is a member of: (1) the Indiana National Guard; (2) the Ready Reserve; or (3) a reserve component of the armed forces of the United States; may receive for military training or other duties as a member of a reserve component. Entitles a state officer or employee under certain circumstances to be restored to the person's previous or a similar position with the same status and pay after the leave of absence. Provides that the child of a person who is ordered to active duty is entitled to military family leave.

**Effective:** July 1, 2008.

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**Duncan, Cheatham, Goodin**

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January 10, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.  
January 24, 2008, reported — Do Pass.  
January 28, 2008, read second time, amended, ordered engrossed.

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HB 1174—LS 6579/DI 102+



Reprinted  
January 29, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1174

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A BILL FOR AN ACT to amend the Indiana Code concerning  
military and veterans.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-16-7-5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) This section  
3       applies to all officers and employees of the state or any county,  
4       township, municipality, or school corporation in Indiana who are  
5       members.

6       (b) **Beginning January 1, 2009, this subsection applies only to a**  
7       **member who is an officer or employee of a county, township,**  
8       **municipality, or school corporation in Indiana.** A member is entitled  
9       to receive from the member's employer a leave of absence from the  
10      member's respective duties in addition to **the member's** regular  
11      vacation period without loss of time or pay for the time that the  
12      member is:

13           (1) on training duties of the state under the order of the governor  
14           as commander in chief; or  
15           (2) a member of any reserve component under the order of the  
16           reserve component authority;  
17      for any consecutive or nonconsecutive period that does not exceed a

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total of fifteen (15) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.

**(c) This subsection applies beginning January 1, 2009, only to a member who is an officer or employee of the state. A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period without loss of time or pay for the time that the member is:**

**(1) on training duties of the state under the order of the governor as commander in chief; or**

**(2) a member of any reserve component under the order of the reserve component authority;**

**for any consecutive or nonconsecutive period that does not exceed a total of thirty (30) days in any calendar year. The entitlement to a leave of absence without loss of time or pay provided in this subsection is not at the discretion of the member's employer.**

~~(c)~~ **(d)** A member is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to the member's regular vacation period for the total number of days that the member is on state active duty under section 7 of this chapter. A leave of absence provided under this subsection may be with or without loss of time or pay at the discretion of the member's employer.

SECTION 2. IC 10-17-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This section is subject to IC 10-16-7-5 and IC 10-16-7-6.

**(b) Beginning January 1, 2009, this subsection does not apply to a person who is an officer or employee of the state. A person who:**

**(1) is a qualified member of the reserve components of the armed forces;**

**(2) is a member of the Ready Reserve;**

**(3) is a member of an organized unit;**

**(4) in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in one (1) calendar year:**

**(A) leaves a position other than a temporary position in the employ of an employer; and**

**(B) provides evidence:**

**(i) defining date of departure and date of return for purposes of military training ninety (90) days before the date of departure; and**

**(ii) of the satisfactory completion of the training**

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1 immediately after the training is completed; and  
 2 (5) is qualified to perform the duties of the position described in  
 3 clause (A);  
 4 is entitled to be restored to the person's previous or a similar position  
 5 with the same status and pay.

6 **(c) This subsection applies beginning January 1, 2009, only to a**  
 7 **person who is an officer or employee of the state. A person who:**

8 **(1) is a qualified member of the reserve components of the**  
 9 **armed forces;**

10 **(2) is a member of the Ready Reserve;**

11 **(3) is a member of an organized unit;**

12 **(4) in order to receive military training with the armed forces**  
 13 **of the United States not to exceed thirty (30) days in one (1)**  
 14 **calendar year:**

15 **(A) leaves a position other than a temporary position in the**  
 16 **employ of an employer; and**

17 **(B) provides evidence:**

18 **(i) defining date of departure and date of return for**  
 19 **purposes of military training ninety (90) days before the**  
 20 **date of departure; and**

21 **(ii) of the satisfactory completion of the training**  
 22 **immediately after the training is completed; and**

23 **(5) is qualified to perform the duties of the position described**  
 24 **in subdivision (4)(A);**

25 **is entitled to be restored to the person's previous or a similar**  
 26 **position with the same status and pay.**

27 ~~(c)~~ **(d)** Seniority continues to accrue during a period of absence  
 28 described in ~~subsection (a)~~, **subsections (b) and (c)**, and the period of  
 29 absence for military training must be construed as an absence with  
 30 leave. At the discretion of the employer, the leave may be with or  
 31 without pay.

32 SECTION 3. IC 10-17-4-4 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This section is  
 34 subject to IC 10-16-7-5 and IC 10-16-7-6.

35 **(b) Beginning January 1, 2009, this subsection does not apply to**  
 36 **a person who is an officer or employee of the state.** A person who,  
 37 as a reserve member of the armed forces of the United States, is called  
 38 upon to receive temporary military training is entitled to a temporary  
 39 leave of absence from the person's employer not to exceed fifteen (15)  
 40 days per calendar year. A person described in this ~~section~~ **subsection**  
 41 shall:

42 **(1) provide the employer with evidence of the dates of the**

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person's departure and return as soon as practicable before the person's departure; and

(2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.

Upon the person's return, the person shall be restored to the person's previous or a similar position, with the same status that the person held before leaving for the person's training period.

**(c) This subsection applies beginning January 1, 2009, only to a person who is an officer or employee of the state. A person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training is entitled to a temporary leave of absence from the person's employer not to exceed thirty (30) days per calendar year. A person described in this subsection shall:**

**(1) provide the employer with evidence of the dates of the person's departure and return as soon as practicable before the person's departure; and**

**(2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.**

**Upon the person's return, the person shall be restored to the person's previous or a similar position, with the same status that the person held before leaving for the person's training period.**

~~(c)~~ **(d)** A leave granted under this section may be granted, with or without pay, within the discretion of the employer.

~~(d)~~ **(e)** A temporary leave of absence granted under this section does not affect the rights of the person to vacation leave, sick leave, or other normal benefits of the person's employment.

SECTION 4. IC 22-2-13-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2.5. As used in this chapter, "child" includes an individual who is over the age of majority.**

SECTION 5. IC 22-2-13-11, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) An employee who:

(1) has been employed by an employer for at least twelve (12) months;

(2) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and

(3) is the **child**, spouse, parent, grandparent, or sibling of a person who is ordered to active duty;

is entitled to an unpaid leave of absence as provided in subsection (b).

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1 (b) An employee may take a leave of absence during one (1) or more  
2 of the following periods:

3 (1) During the thirty (30) days before active duty orders are in  
4 effect.

5 (2) During a period in which the person ordered to active duty is  
6 on leave while active duty orders are in effect.

7 (3) During the thirty (30) days after the active duty orders are  
8 terminated.

9 (c) The leave of absence allowed each year under subsection (a)  
10 may not exceed a total of ten (10) working days.

11 (d) An eligible employee may elect, or an employer may require the  
12 employee, to substitute any earned paid vacation leave, personal leave,  
13 or other paid leave, except for paid medical or sick leave, available to  
14 the employee for leave provided under this chapter for any part of the  
15 ten (10) day period of such leave.

16 SECTION 6. [EFFECTIVE JULY 1, 2008] IC 10-16-7-5,  
17 IC 10-17-4-1, and IC 10-17-4-4, all as amended by this act, apply  
18 to leaves of absence that begin after December 31, 2008.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 8, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1174 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph and insert:  
 "SECTION 4. IC 22-2-13-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2.5. As used in this chapter, "child" includes an individual who is over the age of majority.**

SECTION 5. IC 22-2-13-11, AS ADDED BY P.L.151-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) An employee who:

- (1) has been employed by an employer for at least twelve (12) months;
- (2) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and
- (3) is the **child**, spouse, parent, grandparent, or sibling of a person who is ordered to active duty;

is entitled to an unpaid leave of absence as provided in subsection (b).

(b) An employee may take a leave of absence during one (1) or more of the following periods:

- (1) During the thirty (30) days before active duty orders are in effect.
- (2) During a period in which the person ordered to active duty is on leave while active duty orders are in effect.
- (3) During the thirty (30) days after the active duty orders are terminated.

(c) The leave of absence allowed each year under subsection (a) may not exceed a total of ten (10) working days.

(d) An eligible employee may elect, or an employer may require the

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employee, to substitute any earned paid vacation leave, personal leave, or other paid leave, except for paid medical or sick leave, available to the employee for leave provided under this chapter for any part of the ten (10) day period of such leave."

Renumber all SECTIONS consecutively.

(Reference is to HB 1174 as printed January 25, 2008.)

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